# MINUTES OF THE JOINT EXECUTIVE COMMITTEE MEETING MARCH 1, 2005, 7:00 A. M.

# Room W135, West Office Building, State Capitol Complex

Members Present: Sen. Lyle Hillyard, Committee Co-Chair

Rep. Ron Bigelow, Committee Co-Chair

Sen. Ron Allen
Sen. Gene Davis
Sen. Mike Dmitrich
Sen. Dan Eastman
Sen. Beverly Evans
Sen. Karen Hale
Sen. Peter Knudson
Pres. John Valentine
Rep. Jeff Alexander
Rep. Ralph Becker
Speaker Greg J. Curtis
Rep. Ben C. Ferry
Rep. Patricia W. Jones
Rep. Brad King

Rep. Brad King Rep. Roz McGee

Rep. Stephen H. Urquhart

Sen. Curtis Bramble, Vice-Chair Rep. David Clark, Vice Chair

Staff Present: John Massey, Legislative Fiscal Analyst

Michael Kjar, Deputy Director, Fiscal

Bonnie Brinton, Secretary Norda Shepard, Secretary

Other Speakers Present: Spencer Pratt, Legislative Fiscal Analyst

Michael Deily, Director, Division of Health Care Financing

List of Others Present on File.

Committee Co-Chair Hillyard called the meeting to order at 7:10 a.m.

# 1. Approval of Minutes

Co-Chair Bigelow moved to approve the minutes of February 23, 2005, as corrected. The motion passed unanimously with Sens. Davis and Eastman absent for the vote.

# 2. Budget Issues

**MOTION:** Co-Chair Bigelow moved to approve the additional revenue sources listed on the document entitled "Incremental Changes to Funding Levels Previously Approved by the Executive Appropriations Committee" and dated 03-01-2005, lines 24 through 31.

The motion passed unanimously with Sen. Hale and Reps. Becker, King and McGee voting in opposition to the motion and Sens. Davis and Eastman absent for the vote.

**MOTION:** Co-Chair Bigelow moved to approve the Additional Expenditures listed on the document entitled "Incremental Changes to Funding Levels Previously Approved by the Executive Appropriations Committee" and dated 03-01-2005, lines 35 through 104.

The motion passed with Rep. King voting in opposition to the motion.

**MOTION:** Co-Chair Bigelow moved to approve the intent language listed on the document entitled "Consolidated Intent Language Report - Supplemental Appropriations Act II" and dated 03-01-2005, with a change to line 34 to reduce the amount from \$100,000 to \$50,000 as follows:

It is the intent of the Legislature that the State Board of Education use the \$50,000 in ongoing Uniform School Funds appropriated to the Utah State Office of Rehabilitation - Services for the Deaf and Hard of Hearing to support further outreach services in southern Utah.

**SUBSTITUTE MOTION:** Pres. Valentine moved to approve the original motion with the additional intent language that \$50,000, one-time money, be appropriated to the Office of Legislative Research & General Counsel for outside contracting research studies.

The substitute motion passed unanimously.

**MOTION:** Co-chair Bigelow moved to approve \$50,400 for the Legislative Study and Task Forces as follows: H.B. 57 1st Sub., Tourism Task Force, \$14,400; H.B. 75, Government Records Access and Management Task Force, \$14,400; S.B. 25 1st Sub., Transportation Jurisdictional Transfer Task Force, \$13,600; and S.B. 53, Land Value Property Tax Study, \$8,000.

The motion passed unanimously.

**MOTION:** Sen. Dmitrich moved to instruct the Legislative Fiscal Analyst to draft Intent Language to appropriate \$385,000 for the Association of Governments.

**SUBSTITUTE MOTION:** Rep. Bigelow moved to instruct the Legislative Fiscal Analyst to include in the Intent Language that the \$385,000 for the Association of Governments be dispersed upon written plans for the intended use.

The substitute motion passed unanimously.

Spencer Pratt, Legislative Fiscal Analyst and Michael Deily, Director, Division of Health Care Financing, answered committee questions concerning flexibility between line item funding for Medicaid vision and Medicaid dental. Mr. Deily also addressed provider discounts for glasses for Medicaid participants.

**MOTION:** Pres. Valentine moved to instruct the Legislative Fiscal Analyst to draft Intent Language to allow flexibility between funding for Medicaid vision and Medicaid dental.

The motion passed with Speaker Curtis voting in opposition.

**MOTION:** Co-Chair Bigelow moved to authorize the Legislative Fiscal Analyst to prepare the Supplemental Appropriations Act 11 based upon approved actions of the Executive Appropriations Committee to date. In consultation with the co-chairs of the Executive Appropriations Committee, the Fiscal Analyst may make any technical and non-substantive corrections as necessary. The Legislative Fiscal Analyst is authorized to make appropriate adjustments between funding sources and fiscal years in order to balance the overall budget.

The motion passed with Speaker Curtis voting in opposition.

Co-Chair Hillyard invited everyone to join his son, Matt, at a birthday celebration today at 2:00 p.m. in the Senate kitchen.

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Co-Chair Bigelow expressed appreciation for the dedication and hard work of the legislative analyst staff in the preparation of information for the Executive Appropriations Committee.

Co-Chair Hillyard expressed appreciation especially for Jonathan Ball, Technology Fiscal Analyst and John Fellows, Deputy General Counsel.

Fellows, Deputy General Counsel.	
MOTION: Co-Chair Bigelow moved to adjour	rn the meeting.
The meeting was adjourned at 8:50 a.m. by Co-	Chair Hillyard.
Minutes reported by Norda Shepard and Bonnie	Brinton, Secretaries.
Sen. Lyle W. Hillyard, Co-Chair	Rep. Ron Bigelow, Co-Chair

# Consolidated Intent Language - Supplemental Appropriations Act $\Pi$

03-01-2005

#### Section 1 - FY 2006

#### **Executive Offices & Criminal Justice**

#### Governor's Office

1. The Legislature intends that funds provided for the Governor's Office shall not lapse.

#### Governor's Office - Governor's Office of Planning and Budget

 The Legislature intends that funds provided for the Governor's Office of Planning and Budget shall not lapse.

#### Governor's Office - Commission on Criminal and Juvenile Justice

 The Legislature intends that funds provided for the Commission on Criminal and Juvenile Justice shall not lapse.

#### State Auditor

4. The Legislature intends that funds provided for the State Auditor shall not lapse.

#### State Treasurer

5. The Legislature intends that funds provided for the State Treasurer shall not lapse.

#### Attorney General

6. The Legislature intends that funds provided for the Attorney General shall not lapse.

# Attorney General - Children's Justice Centers

7. The Legislature intends that funds provided for the Children's Justice Centers shall not lapse.

# Attorney General - Prosecution Council

8. The Legislature intends that funds provided for Prosecution Council shall not lapse.

#### Corrections - Corrections Programs & Operations

It is the intent of the Legislature that the funds for Programs and Operations shall not lapse.

#### Corrections - Department Medical Services

10. It is the intent of the Legislature that the funds for Medical Services shall not lapse.

# Board of Pardons and Parole

11. It is the intent of the Legislature that the funds for the Board of Pardons and Parole shall not lapse.

#### Juvenile Justice Services - Programs and Operations

12. It is the intent of the Legislature that the funds for Programs and Operations shall not lapse.

#### Juvenile Justice Services - Youth Parole Authority

13. It is the intent of the Legislature that the funds for Youth Parole Authority shall not lapse.

#### Courts - Administration

- 14. It is the intent of the Legislature that the funds for the Courts Administration shall not lapse.
- 15. Under the provisions of Section 67-8-2, Utah Code Annotated, the following salaries are approved for judicial officials for July 2, 2005 to June 30, 2006: District Court Judge \$ 111,050. Other judicial salaries will be calculated in accordance with the statutory formula and rounded to the nearest \$50.

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#### Courts - Contracts and Leases

16. It is the intent of the Legislature that the funds for Contracts and Leases shall not lapse.

#### Courts - Guardian ad Litem

17. It is the intent of the Legislature that the funds for Guardian ad Litem shall not lapse.

#### Public Safety - Public Safety Programs & Operations

18. The Legislature intends that funds provided for Public Safety Programs and Operations shall not lapse.

# Public Safety - Emergency Services and Homeland Security

19. The Legislature intends that funds provided for Emergency Services and Homeland Security shall not lapse.

# Public Safety - Peace Officers' Standards and Training

20. The Legislature intends that funds provided for Peace Officers' Standards and Training shall not lapse.

#### Public Safety - Liquor Law Enforcement

21. The Legislature intends that funds provided for Liquor Law Enforcement shall not lapse.

#### Public Safety - Driver License

22. The Legislature intends that funds provided for the Driver License line item shall not lapse.

# Public Safety - Highway Safety

23. The Legislature intends that funds provided for Highway Safety shall not lapse.

# Capital Facilities & Administrative Services

# Technology Services - Integrated Technology

24. The Legislature intends that FY 2005 funds appropriated to the Department of Administrative Services – Automated Geographic Reference Center that do not lapse under authority granted in the Supplemental Appropriations Act (S.B. 1, 2005 General Session) shall be transferred to the Department of Information Technology – Division of Integrated Technology – Automated Geographic Reference Center on July 1, 2005.

# ISF - Dept. of Technology Services - ISF - Enterprise Technology

25. The Legislature intends that for each full-time equivalent position filled in Department of Technology Services internal service funds at least one position will be vacated and eliminated at the Department of Administrative Services - Division of Information Technology Services or elsewhere in state government.

#### Commerce & Revenue

#### Tax Commission - Tax Administration

26. The Legislature intends that passage of H. B. 68 includes authorization for three vehicles and four full time equivalent employees.

#### Commerce - Commerce General Regulation

27. The following fees, which were approved in the Annual Appropriations Act (H. B. 1, 2005 General Session), are hereby repealed:

Pharmaceutical Manufacturer - New Application Filing - 200.00;

Pharmaceutical Manufacturer - License Renewal - 100.00;

Pharmacy Wholesaler/Distributor - New Application Filing - 200.00;

Pharmacy Wholesaler/Distributor - License Renewal - 100.00;

Veterinary Pharm Outlet - New App Filing - 200.00;

Veterinary Pharm Outlet - License Renewal - 100.00;

Pharm Research - New Application Filing - 200.00;

Pharm Research - License Renewal - 100.00;

Pharm Dog trainer - New Application Filing - 200.00;

Pharm Dog Trainer - License Renewal - 100.00;

Pharm Teaching Organization - New App Filing - 200.00;

Pharm Teaching Organization - Lic Renewal - 100.00;

Euthanasia Agency - New Application Filing - 200.00;

Euthanasia Agency - License Renewal - 100.00;

Analytical Laboratory - New Application Filing - 200.00;

Analytical Laboratory - License Renewal - 100.00;

Pharmacy Administration - New Application Filing - 200.00;

Pharm Administration - License Renewal - 100.00;

Pharmaceutical Out-of-State Mail Order - 200.00;

Pharmaceutical Out-of-State Mail Order Renewal - 100.00.

#### Economic Development & Human Resources

#### Community & Economic Development - Business and Travel Development

28. It is the intent of the Legislature that \$25,000 General Fund one-time funding appropriated in this item be used to fund the Utah Summer Games.

# Community & Economic Development - Fine Arts

 It is the intent of the Legislature that \$50,000 General Fund one-time appropriated in this item be used to fund the Moab Music Festival.

# Community & Economic Development - Housing and Community Development

30. It is the intent of the Legislature that \$400,000 General Fund one-time appropriated in this item be used to fund the Treehouse Museum.

#### Health & Human Services - Department of Human Services

#### Human Services - Substance Abuse & Mental Health

31. It is the intent of the Legislature that funds appropriated to address the loss of Medicaid funds used for mental health services provided by local mental health centers to non-Medicaid eligible clients be used solely for that purpose.

#### Natural Resources

# Public Lands Office - Office of Public Lands

32. The Legislature intends that FY 2005 funds appropriated to the Governor's Office - Constitutional Defense Council and the Governor's Office - RS-2477 Rights of Way program that do not lapse shall be transferred to the Public Lands Policy Coordinating Office on July 1, 2005.

#### **Public Education**

# State Board of Education - State Charter School Board

33. It is the intent of the Legislature that the State Board of Education, in consultation with the State Charter School Board, distribute the \$100,000 ongoing Uniform School Fund revenue appropriated for charter school administration on an equalized per student basis as determined by actual fall enrollment count to charter schools that receive funding through the Minimum School Program - Administrative Cost Formula program.

# State Board of Education - State Office of Rehabilitation

34. It is the intent of the Legislature that the State Board of Education use the \$100,000 in ongoing Uniform School Funds appropriated to the Utah State Office of Rehabilitation - Services for the Deaf and Hard of Hearing to support further outreach services in southern Utah.

#### Section 2 - FY 2005

#### Executive Offices & Criminal Justice

#### Governor's Office

1. The Legislature intends that funds provided for the Governor's Office shall not lapse.

#### Public Safety - Public Safety Programs & Operations

2. The Legislature intends that funds provided for Public Safety Programs and Operations shall not lapse.

#### Economic Development & Human Resources

# Community & Economic Development - Administration

3. It is the intent of the Legislature that funding for Administration specified for easement acquisition be nonlapsing. This intent supercedes intent language found in Senate Bill 1, Item 96, of the 2004 General Session

#### Health & Human Services - Department of Health

#### Health - Epidemiology & Lab Services

4. It is the intent of the Legislature that the \$500,000 appropriated for the purpose of replacing laboratory at the State Health Laboratory be considered nonlapsing.

#### Natural Resources

#### Natural Resources - Administration

- 5. It is the intent of the Legislature that the \$2,000,000 appropriated to the Department of Natural Resources Administration in S.B.1, Item 54, be nonlapsing.
- 6. Under the terms of UCA 63-38-8.1, the Legislature intends not to lapse Item 183, Chapter 256, Laws of Utah 2004. Expenditures of these funds is limited to: Current Expense Items \$40,000; Computer Equipment/Software \$18,000; Employee Training/Incentives \$15,000; Equipment/Supplies \$14,000; Special Projects/Studies \$15,000; Gate Replacement \$23,000; Building Maintenance \$25,000; Professional and Technical Services \$25,000.

#### Natural Resources - Oil, Gas and Mining

7. Under the terms of UCA 63-38-8.1, the Legislature intends not to lapse Item 187, Chapter 256, Laws of Utah 2004. Expenditures of these funds is limited to: Computer Equipment/Software \$40,000; Employee Training/Incentives \$20,000; Equipment/Supplies \$20,000.

# Natural Resources - Parks & Recreation

 Under the terms of UCA 63-38-8.1, the Legislature intends not to lapse Item 194, Chapter 256, Laws of Utah 2004. Expenditures of these funds is limited to: Capital Equipment or Improvements \$20,000; Computer Equipment/Software \$25,000; Employee Training/Incentives \$45,000; Equipment/Supplies \$60,000.

#### Natural Resources - Water Resources

9. Under the terms of UCA 63-38-8.1, the Legislature intends not to lapse Item 197, Chapter 256, Laws of Utah 2004. Expenditures of these funds is limited to: Computer Equipment/Software \$30,000; Employee Training/Incentives \$5,000; Equipment/Supplies \$10,000; Special Projects/Studies \$10,000; Printing and Binding \$15,000; Other Contractual & Professional Services \$25,000; Water Conservation Materials/Education \$10,000; Conventions and Workshops \$5,000; Postage and Mailing \$2,000.

#### Natural Resources - Water Rights

10. Under the terms of UCA 63-38-8.1, the Legislature intends not to lapse Item 200, Chapter 256, Laws of Utah 2004. Expenditures of these funds is limited to: Computer Equipment/Software \$25,000; Employee Training/Incentives \$25,000; Special Projects/Studies \$50,000; Water Resources Investigations \$50,000.

#### Agriculture - Administration

11. Under the terms of UCA 63-38-8.1, the Legislature intends not to lapse Item 202, Chapter 256, Laws of Utah 2004. Expenditures of these funds is limited to: Capital Equipment or Improvements \$320,000; Computer Equipment/Software \$185,000; Employee Training/Incentives \$97,000; Equipment/Supplies \$102,000; Special Projects/Studies \$54,000; Vehicles \$34,000; Other \$5,000.

# Agriculture - Resource Conservation

12. Under the terms of UCA 63-38-8.1, the Legislature intends not to lapse Item 206, Chapter 256, Laws of Utah 2004. Expenditures of these funds is limited to: Computer Equipment/Software \$2,000; Employee Training/Incentives \$1,000.

#### Public Education

#### State Board of Education - State Office of Education

13. It is the intent of the Legislature that the State Board of Education use the \$1,400,000 one-time General Fund appropriation provided during the 2004 General Session for FY 2005 be used to provide for any FY 2005 costs associated with the implementation of H.B. 249 - Carson Smith Scholarships.

	G	Y	Z
1 1	ncremental Changes to Funding Levels Previously Approved		
	by the Executive Appropriations Committee		
3			
	move to approve the additional revenue sources listed on the document enti	tled "Incremental Ch	nanges to
	Funding Levels Previously Approved by the Executive Appropriations Commi		
5	and a second control of the second control o		. 2000.
6		03-01	-05
24	Additional Revenue Sources	One-time	Ongoing
25	Mineral Lease	1,300,000	33
26	Tobacco Settlement Interest	349,700	
31	Total, Additional Revenue Sources	1,649,700	0
32			
	move to approve the Additional Expenditures listed on the document entitled	I "Incremental Chan	ana to Eundina
	Levels Previously Approved by the Executive Appropriations Committee" and		ges to Funding
34	and the state of the executive Appropriations continued and		
	Additional Expenditures	03-01	-05
	Senate Fiscal Note Bills/Priorities	One-time	Ongoing
37	SB15 Childrens Justice Center	Uno dino	210,000
38	SB57 Rural Business	250,000	2.0,000
39	SB72 Child Welfare	200,000	63,800
40	SB91 Interstate Juvenile Compact		12,000
41	SB93 Childrens' Justice Center (Cedar City)		127,500
42	SB107 Licensure and Reg Programs		44,000
43	SB119 Rural Residency		300,000
44	SB164 Organ Donor Credit		50,000
45	SB167 False Driver License & ID		34,400
46	SB239 Public Lands Coordination		6,800
47	DCED - Treehouse Museum	100,000	
48	HHS - Mental Health Fed Funds Loss	500,000	
49	DOH - HIV/AIDS Drug Program Shortfall	100,000	
50	PED - Charter School Administration	100000000000000000000000000000000000000	100,000
51	PLO - Public Lands Policy Coordination	20,000	
52	DCED - Moab Music Festival	50,000	
53			
54	Subtotal, Senate Bills/Priorities	1,020,000	948,500
55	V	3	
56	House Fiscal Note Bills/Priorities		
57	HB 4 Divorce Mediation Program		78,800
58	HB 33 Assistance for People With Bleeding Disorders		250,000
59	HB 38S01 Water LawCriminal Penalties Amendments		40,000
60	HB 132 Internet Crimes Against Children		59,900
61	HB 157 Water Enforcement Procedures and Penalties		92,000
62	HB 216 Global Positioning Reference Network	375,000	200000
63	HB 234 Telephone Surcharge for Ed and Training Programs At Prison		100,000
64	DCED - Treehouse Museum	300,000	
65	DCED - Utah Summer Games	25,000	
66	HHS - Aging Services Medicaid Waiver	300,000	
67	USHE - UU Range Creek		50,000
68	DAF - Mosquito Abatement	:	329,300
69 70	Subtotal, House Bills/Priorities	1,000,000	1,000,000

	G	Y	Z
72	Joint House and Senate Bills/Priorities	One-time	Ongoing
73	SB7 DCED - Tourism Marketing & Economic Development	(1,000,000)	
74	SB61 Health Care Delivery Taskforce	300,000	
75	SB13 UNG Income Tax Credits	1,100,000	
76	SB127 Streamlined Sales Tax		1,350,000
77	SB153 Tax Taskforce	100,000	
78	SB192 Utah Science, Tech And Research Initiative	3,000,000	4,000,000
79	SB195 Corp Sales Tax Double Weighting		7,000,000
80	SB231 Executive and Judicial Compensation		46,600
81	HB49 DPS - Bicycle Safety	20,000	
82	HB188 PED - PEJEP Math/Science Teacher Incentives	(500,000)	
83	HB213 Unused Sick Leave	150,000	50,000
84	HB216 Global Positioning Reference Network	125,000	
85	HB218 Juvenile Judge - 2nd District		245,100
86	HB249 Carson Smith Scholarship (Plus \$1.4m existing FY 05 Approp)	1,668,000	
87	HB260 Pornographic/Harmful Materials	130,000	120,000
88	HB17 Motion Picture Incentive	1,000,000	•
89	DPS - Helicopter	458,000	
90	PLO - Roadless Area Coordinator		253,000
91	HHS - Mental Health Fed Funds Loss	1,500,000	
92	PED - Services for the Deaf and Hard of Hearing Southern Utah Outreach		100,000
93	UDC - Corrections Nonlapsing Balances/Turnover Savings	(500,000)	
94	DOH - Medicaid Vision/Dental (included in HB301)	(500,000)	
95	GOV - Offset to Fee Increases (included in HB301)		(120,000
96	LEG - Performance Auditors		85,000
97	CAP - AR&I (-0.1%) (included in HB301)		(4,050,000
98	DS - FY 2006 Debt Service	2,698,000	(2,698,000
99	CAP - FY 2007 Debt Service Savings	(2,698,000)	2,698,000
100	Misc floor issues	100,000	
101			
102	Subtotal, Joint House and Senate Bills/Priorities	7,151,000	9,079,700
103			
104	Total Additional Expenditures	9,171,000	11,028,200
105			
106	I move to approve the intent language listed on the document entitled "Consoli Supplemental Appropriations Act II" and dated 03-01-2005.	dated Intent Langu	age Report -
107	I move to authorize the Legislative Fiscal Analyst to prepare the Supplemental approved actions of the Executive Appropriations Committee to date. In consu		
	Executive Appropriations Committee, the Fiscal Analyst may make any technic corrections as necessary. The Legislative Fiscal Analyst is authorized to make	al and non-substar appropriate adjust	ntive
108	between funding sources and fiscal years in order to balance the overall budge	et.	

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	G	Y	Z		
109	109 Crosswalk to 2/28/2005 Majority Caucus List (items previously approved by EAC - for information only)				
110	SB7 DCED - Tourism Marketing & Economic Development	19,000,000			
111	SB141 DCED - Defense Alliance	5,000,000			
112	SB192 USTAR Implementation Study	350,000			
113	SB231 Executive and Judicial Compensation		787,400		
114	to the state of the contract of the state of		13,200		
115		400,000			
116	HB188 PED - PEJEP Math/Science Teacher Incentives	2,500,000	2,500,000		
117	HB213 State Employee Market Comparability Adjustments	V. 32	10,870,000		
118			2,650,000		
119			716,000		
120	HB213 Legislative Staff MCAs	6	232,000		
121					
122	Subotal, Previously Approved Items	27,250,000	17,768,600		
123					
124	Additional Expenditures (Approved 03/01/2005)	9,171,000	11,028,200		
125					
126	Total, All Items	36,421,000	28,796,800		
127					
128	Total Approved New Revenue, 2005 General Session*	298,770,100	398,849,300		
129	Total Approved Building Blocks, 2005 General Session*	(291,639,200)	(405,644,300)		
130	Balance*	7,130,900	(6,795,000)		
131			. 5004 35		
132	Education Rainy Day Deposits*	24,000,000			
133	General Fund Rainy Day Deposits*	10,351,500			
134					
135	*Preliminary unaudited data subject to passage of bills.				
136					